



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,962	02/27/2004	Federico Uslenghi	60246-340	9175
26096 7590 10/09/2007 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER MAYEKAR, KISHOR	
			ART UNIT 1795	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,962	<b>Applicant(s)</b> USLENGHI ET AL.	
	<b>Examiner</b> Kishor Mayekar	<b>Art Unit</b> 1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17 and 23-25 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-12 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 5-8, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. Claims 1-4, 9-12 and 18-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reisfeld (US 6,884,399 B2) in view of either Golstein (US 4,210,429) or Gibson (US 6,869,468), for reasons as of record.
2. Claims 12 and 18-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reisfeld '399 in view of either Golstein '429 or Gibson '468, for reasons as of record.

### *Allowable Subject Matter*

3. Claims 5 and 13 and their depending claims 6-8 and 14 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Amended independent claim 15 and its dependent claims 16, 17 and 23-25 are now allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: Because the prior art references do not disclose in a method of purifying air the

Art Unit: 1753

recited steps of pivotally attaching in combination with other recited steps as now claimed in claims 15-17 and 23-25.

*Response to Arguments*

6. Applicant's arguments filed 12 July 2007 have been fully considered but they are not persuasive.

Applicant argues that there is no prima facie case of obviousness because there is no benefit to making the combination as Reisfeld already includes the capability of controlling the UV lamps 20, 22. This is found to be unpersuasive because, though Reisfeld discloses that the fan coil control unit 110 contains the control program necessary to control the UV lamps, Reisfeld does not disclose that the controller is configured to activate the UV lamps when the switch detects the filtering device as claimed in claims 1-4, 9-12 and 18-22. Since either Golstein or Gibson discloses a switch arrangement, that is normally open until a filtering device is in contact with the switch to close the switch and permitting power to couple to the UV lamp, the benefit from the combination of references is clear in preventing of UV light leaks from the module when the filtering device is not in place as asserted by the examiner. It's the switch arrangement of Golstein or Gibson that are needed for providing safety interlock switches with the module when the filtering device is withdrawn from the module. The module will not work properly if there is no filtering device in place.

To the argument that Reisfeld teaches away from making the proposed combination because Reisfeld discloses in col. 4, lines 43-47 that the fan coil unit 100 is attached externally to a ceiling or other structural element, that is the fan coil unit 100 is not disposed within an interior of the building such as where occupants would reside and therefore, there is no danger of unwanted exposure to UV light with regard to Reisfeld arrangement, the examiner finds this also to be unpersuasive. First Applicant **overstates** in the argument that the fan coil control unit is attached **externally** to a ceiling or other structural element such that it is **not disposed within an interior of the building**. Reisfeld discloses there in col. 4, lines 43-47 that the fan coil unit 100 is attached to a ceiling or other structural element of the building. Second since Reisfeld discloses in col. 5, lines 8-11 that the fan coil unit 100 can be deployed as a stand-alone unit in a single family dwelling, Applicant is erred in the overstatement that the unit is not disposed within an interior of the building. Third, since Reisfeld discloses in Background of the Invention the need for a filtering device that can be conveniently installed and removed for maintenance purposes and in Fig. 4 and col. 5, lines 20-56 a modular enclosure having a retractable alignment mechanism to provide access to the filtering device and shows the filtering device when in a retracted position being on the same side with the fan coil control unit 110, the switch 81 and the sensor 82 (the sensor 82 being used to detect the presence of people in the conditioned space), it appears that the fan coil unit 100 is disposed within an interior of the building such as where occupants would reside.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

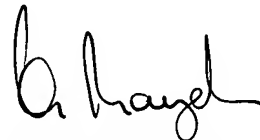
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 1753

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'K. Mayekar', written in a cursive style.

Kishor Mayekar  
Primary Examiner  
Art Unit 1753